
**DCSS P3 PROGRAM
NON-CAMP ENFORCEMENT WORKGROUP
JULY 17, 2000 MEETING
MEETING SUMMARY**

A. GENERAL

On Monday, July 17, 2000, the California Department of Child Support Services (DCSS) Policies, Procedures, and Practices (P3) Program, Non-CAMP Enforcement Workgroup held its first official session in Sacramento. The following members attended:

- ☐ Ann April (Alameda County)
- ☒ Rose Barnes, County Analyst (Manager, Stanislaus County)
- ☒ Phyllis Boyson (DDA, Napa County)
- ☐ Denise Hill (CAMP)
- ☒ Lawrence Hill (FSO, Los Angeles County, SIEU)
- ☒ Leslie Ladoux (CAMP)
- ☒ Sheila Michael (Sup. FSO, Tulare County)
- ☒ Michelle Nitz (Info Sys Analyst, CCSAS)
- ☒ Pam Pankey (Child Sup Spec, CCSAS)
- ☒ Lucilla Rolon (Policy Analyst, DCSS)
- ☐ Larry Silverman, County Co-Leader (Spec Asst, Los Angeles County)
- ☒ Melanie Snider (Legal Director, ACES)
- ☒ Rich Vogl, Co-Leader (Commissioner, Orange County)
- ☒ Tricia Wynne (DOJ)

Attending *ex officio* were:

- ☒ Kathie Lalonde, Facilitator (SRA International)
- ☒ Betsy Schmidt, Scribe (SRA International)
- ☐ Barbara Saunders (OCSE resource)
- ☐ John Schambre
- ☒ Larry Wilson, Facilitator (SRA International)

This meeting summary highlights points covered, material discussed, decisions made, and follow-up tasks for forthcoming sessions. Comments and corrections should be addressed to Betsy Schmidt at Betsy_Schmidt@dss.ca.gov.

Nadine Herndon introduced herself as the coordinator for “housekeeping” matters—name tags, lunch orders, and travel reimbursement procedures. Larry Wilson noted the following communication facilities:

- Phone Messages: (916) 263-4601
- Fax: (916) 263-4745

Michelle Nitz volunteered to call “time out” and record any business or functional requirements (useful for development of the new automated statewide system) captured in subsequent discussions; she will e-mail this list to Kathie Lalonde for inclusion in the meeting minutes

Pam Pankey volunteered to record action items and discussions that fall into the category of “cross-walking” with other Workgroups. Future agendas of this Workgroup will incorporate such items for discussion.

B. PERSONAL AGENDAS

Larry reminded the group that, although all ideas are welcome and valid in Workgroup sessions, it would be useful to know where each member is “coming from.” For that purpose, he asked each attendee to summarize their personal interest in the Workgroup:

- Leslie Ladoux: Learn more about DCSS functions and contribute to reducing duplication of actions and processes in the emerging automated system.
- Lucilla Rolon: Help develop regulations on this Workgroup’s topic.
- Phyllis Boyson: Improve coordination among CSS program elements.
- Sheila Michael: Share her county’s best practices.
- Lawrence Hill: Contribute to uniform collection practices and protect the interests of line workers in the system.
- Rose Barnes: Help CSS become a better service agency.
- Rich Vogl: Ensure due process of law.
- Pam Pankey: Offer global perspective.
- Michelle Nitz: Capture requirements and best practices for incorporation into the new statewide automated system.
- Tricia Wynne: Provide best legal services commensurate with resources.

C. ENFORCEMENT TOOLS WHEN ONLY CHILD SUPPORT IS DUE

Rich Vogl opened the discussion by asking the Workgroup to comment on the first section of his draft report (see Attachment 1). This represents only about 1% of the cases, and may therefore be an appropriate “cross-walk” item for the Case Processing and Case Closure Workgroups.

Discussion centered on the first contact with a non-paying parent: Should there be a letter or phone call to the delinquent party before a default judgment is issued? Such contact could include notice of the right to review. Melanie Snider pointed out that this is an excellent time to influence pending legislation on notices to obligors. The consensus was that such a personalized first intervention should be mandated, perhaps by a special “first intervention team (FIT).” Automated telephone notifications were viewed as ineffective and possibly a risk to confidentiality.

Barb Saunders was charged with investigating federal requirements for monthly billing statements, seen as a useful procedure because it catches errors early. Prevalence of this practice should be investigated in the Workgroup's survey.

Additional tools discussed included abstracts of judgment, credit reporting, and right to a fair hearing—the last item being another potential “cross-walk” topic for the Fair Hearing Workgroup.

On wage assignments, it was agreed that PWRORA requires the states to adopt a uniform procedure for employed obligors, although the right to an exception hearing must be made known to the NCP. Some counties get wage assignments in every case—employed or not; other counties allow the caseworker to go to the DDA to request an exception, especially if the CP agrees. Lawrence Hill noted that an automated letter to the NCP, saying we've made an assignment order, would be a good customer service practice. The consensus was that all counties should follow the same process for handling exception hearings.

On medical insurance, Rich Vogl is working on language recommending that the courts require enrollment in “Healthy Families” when the NCP's employer-furnished insurance will not cover the children and the situation fits the “Healthy Families” enrollment criteria.

The efficiency of the mandated State Disbursement Unit was briefly questioned. The Workgroup understands that this stems from the federal-level interest in making it easier for employers to comply with wage assignment requirements.

Potential new legislation may be required to deal with unions as employers and with royalty income—two circumstances peculiar to Los Angeles County, as described by Lawrence Hill.

D. STATE GUIDANCE ON ENFORCEMENT “PHILOSOPHY”

Following the lunch break, Winnie Young and Curt Child visited the Workgroup session. This presented an opportunity for the group to raise a question that had been tabled earlier in the session: What is the philosophy of the state that should drive the Non-CAMP Enforcement Workgroup's recommendations? (The only conclusion reached earlier was that the term “deadbeat obligor” should be stricken from the draft report.)

Winnie defined “non-CAMP enforcement” as everything that cannot be done without court participation—criminal prosecution, modification, contempt. She approved of the so-called “three R's” and recommended that the Workgroup proceed using a matrix approach.

Curt rephrased the group's question: “Are we heavy law enforcement or touchie-feelie [in dealing with NCPs]?” To answer the question, we need a better understanding of our NCP population. Some are criminals; others will pay if we kick them around a little; still

others simply need to be educated; some are willing but unable to pay. We must develop different strategies for different populations—offering a spectrum of enforcement possibilities. It's not talking out of two sides of your mouth to differentiate between these groups.

E. CATEGORIZING OBLIGORS

Later in the session, the Workgroup defined the following categories of obligors:

1. Wants to pay, but unable.
2. Wants to pay, and does.
3. Able to pay, but won't.
4. Doesn't want to pay and doesn't pay.

In matrix form, these categories would appear as follows:

	ABLE	UNABLE
WILLING	2	1
UNWILLING	3	4

Certain predictors or characteristics help CAMP choose targets with the highest probability of payoff/best return on investment. Some of these profile characteristics are:

- Employment status
- Total income
- Debt amount (CBR)
- Child support amount due
- Past behavior

The Workgroup agreed that it should not duplicate the CAMP analysis. Evaluation of the administrative tools would be a more useful contribution.

F. CAMP vs. NON-CAMP ENFORCEMENT

Leslie noted that FTB has just launched a full-scale Business Process Reengineering effort on CAMP, which will continue until the new statewide system goes live (in 5-6 years). Cases flow from counties to FTB to CAMP, which will be modified to do wage assignments, as well as tax intercept. But it is not clear how CAMP would handle different categories of obligors. Child support only cases are not a problem; arrears only cases would be more difficult.

Manual actions can be taken by FTB or the counties, but these need to be communicated better. For example, how do counties notify FTB that a wage assignment has been made? Will this feature be added to the six PRISM systems? Our enforcement remedies matrix (to be constructed by Lucilla Rolon) needs to add a new category of manual actions.

Rose suggested that we assume CAMP will handle wage assignments, levies, and intercepts. Rich counseled the Workgroup to consider all remedies, even if CAMP will ultimately handle them, given the lengthy transition period.

G. ENFORCEMENT TOOLS FOR ARREARAGES ONLY

Mandated remedies for arrearages are as follows (those definitely to be handled by CAMP are starred):

- Tax intercept (IRS/FTB)*
- Passport denial
- Lottery*
- Unemployment insurance benefit (UIB)
- Federal Parent Locator System (FPLS)*
- CA Parent Locator System*
- State Licensing Match System (SLMS)
- Real property lien
- Financial Institution Data Match (FIDM)*
- Multistate FIDM*
- State Utility Matching System (SUMS)
- Dunning notice*
- FTB full collection*
- Wage assignment (unless obligor obtains court-approved exception)*
- Installment agreement
- Public Employees Retirement System (PERS) match
- Disability match
- Interest

Administrative and judicial remedies are available as follows (**A** = automated; **M** = manual):

ADMINISTRATIVE REMEDIES	JUDICIAL REMEDIES
Dunning letter (A/M)	Security Bond
Dunning phone call (M)	Charging Order
SSA attachment	Contempt: 270
Workers compensation	Contempt: 210
Writ of Execution (M)	Contempt: Criminal
Uniform Commercial Code (UCC – Secretary of State)	Contempt: Civil
Lis pendens (lien on lawsuit)	Contempt: Seek Work
Receiver (trustee takeover)	Judgment Debtor Exam
EFT - automatic withdrawal	Probate Court
Refer for legal action	Bankruptcy Court

Refer for modification	Restraining Order
	Health Insurance Reimbursement
	Injunction

Lawrence wondered whether line workers can interrupt any automated process—given that caseworkers spend so much time on cleanup. Leslie noted that the CAMP system has a compliance flag.

Melanie pointed out that any new recommended practices will need to be written at least three times: to address the current circumstances, to adapt to the six PRISM systems, then to operate under the ultimate statewide system. “The kids can’t wait six years,” she commented.

H. AGENDA FOR NEXT SESSION

Phyllis Boyson and Tricia Wynne agreed to analyze the administrative and judicial remedies (respectively) for discussion at the next Workgroup session. Larry suggested that they write one paragraph on each remedy, defining the current use, the recommended use over the next 18 months, and the ultimate use under the new system.

Larry noted that membership in the Workgroup was unusually well balanced, although NCPs and private lawyers are not represented (which is true of the P3 enterprise as a whole). The group is doing a fine job of adhering to the “Rules of Engagement” and taking a logical, systems approach to their task.

I. PARKING LOT QUESTIONS

1. If a letter is sent to all obligors, can it demand discovery?
2. How should wage assignments be handled when the NCP works in a different place every day—e.g., the entertainment industry? Should unions be forced to report their members’ whereabouts to NDNH?
3. Is new legislation required to cope with self-employed NCPs?
4. Is genetic testing part of enforcement? What is the process for setting aside a paternity judgment when DNA testing contradicts the earlier finding?

J. ATTACHMENTS (available in hard copy only)

1. Rich Vogt, Draft Enforcement Uniformity Report, undated, 21 pages.
2. FTB, Draft State and Federal Enforcement Remedies and Authority for Child Support Arrearages, dated 3/24/00, 17 pages.
3. OCSE, “Compendium of State Best Practices and Good Ideas in Child Support Enforcement—2000” (fifth edition), May 2000, approx. 50 pages.